

## MEETING #26 – August 2

At a Joint Meeting of the Madison County Board of Supervisors and the Madison County Planning Commission on August 2, 2017 at 7:00 p.m. in the Madison County Administrative Center Auditorium located at 414 N. Main Street:

PRESENT: R. Clay Jackson, Chairman  
Jonathon Weakley, Vice-Chairman  
Robert Campbell, Member  
Charlotte Hoffman, Member  
V. R. Shackelford, III, County Attorney  
Betty Grayson, Zoning Administrator

ABSENT: Kevin McGhee, Member  
Daniel J. Campbell, County Administrator

### Planning Commission:

Call to Order

Pledge of Allegiance & Moment of Silence

#### 1. Determination of a Quorum

Mr. Yowell, Commission Chair, noted that a Quorum was present.

#### 2. Approval of Minutes

The minutes of the July 5, 2017 meeting were approved as presented.

#### 3. Action Items:

Mr. Yowell provided an overview of tonight's meeting process; representatives were asked to approach the podium to provide their name and any information pertinent to tonight's case; questions will be entertained by the Commission members, the public, and then the case will be recommended onto the Madison County Board of Supervisors either for approval, denial or tabling. In closing, he asked that applicants remain for the Madison County Board of Supervisors portion of tonight's meeting.

48-50B a. Case No. SP-08-17-14: Request by LS Industries, Inc. for a site plan for the construction of a welding shop. This property is located on Route 687 (140 Fairground Road) and contains 4.982 acres of lands at Pratts, zoned Industrial, M-2. A letter has been received from Medge Carter of the Virginia Department of Health to advise of there being no issues with tonight's request. A letter has been received from Matt Aylor, Madison County E&S Technician, to approve tonight's proposed request. An email dated July 26th was submitted to Brian Hermsmeier (from Matt Aylor, Madison E&S Technician) to request an E&S estimate for the performance bond, which has still not been received to date.

Mr. Yowell, Chair, suggested that the Madison County Planning Commission make a recommendation on tonight's request pending VDOT approval on this matter.

Lee Baines, Civil Engineer, was present on behalf of the applicant to answer any questions pertaining to tonight's request, and advised that follow-up was made regarding the quick bond estimate

Comments from the Commission:

Pete Elliott: Comments referred to:

The recent grading and extraction work performed by the applicant

A site plan was completed to the County's satisfaction

Why the applicant couldn't go (to the Building Department) to attain a building permit and move forward

Emphasis was made on the portion of the County's Zoning Ordinance that states:

"If the proposed work of the subject is a presently approved site plan, the Zoning Administrator shall verify that the proposed work is in compliance with the application (zoning and site plan requirements), and shall sign the building permit (of the application) for the building department and no fee shall be charged."

Further questioned:

Why the County is trying to get more money out of the applicant for an additional site plan when this has already been done

The area in question is already graveled and will only call for a building to be erected on the lot

And:

Urged the County to be 'business friendly' and do something besides take money from future applicants

Betty Grayson, Zoning Administrator, was present and advised that:

The applicant didn't get a site plan approved by the County, but attained a soil & erosion plan approved by the E&S Technician

The applicant had noted that he wasn't planning to build a building anytime soon and wasn't ready to attain a site plan

There is no record in her office of the applicant ever having a site plan approved

In closing, she further advised that the County does have two (2) separate ordinances, and that the guidelines being followed (by County staff) coincide with the requirements as approved in the County's ordinance(s).

After discussion, the Madison County Planning Commission recommended that Case No. SP-08-17-14 be recommended to the Madison County Board of Supervisors for approval.

The County Attorney pointed out two (2) issues:

Suggested the Madison County Planning Commission consider that approval be subject to the conditions of the Virginia Health Department correspondence (which included conditions), and subject to VDOT approval

In closing, he noted that the Madison County Planning Commission has nothing to do with the bond estimate, as that's a decision of the Madison County Board of Supervisors.

Daniel Crigler: Inquired as to the types of 'conditions' requested by the Virginia Department of Health

Mr. Yowell, Chair, advised that correspondence from the VDH called for the condition that:

"We receive the appropriate septic application package, including OSE submission for the new site if/when the county grants approval for the proposed welding shop (and that the currently existing septic system is functioning properly and is protected from traffic/parking) this office has no objections to the proposal."

The Zoning Administrator further advised that a rezoning and boundary adjustment was also initiated.

After discussion, the Madison County Planning Commission amended the original motion that Case No SP--08-17-14 be recommended to the Madison County Board of Supervisors for approval subject to the conditions of:

The Virginia Department of Health regarding receipt of the appropriate septic application package, including OSE submission for the new site if/when the county grants approval for the proposed welding shop (and that the currently existing septic system is functioning properly and is protected from traffic/parking), this office has no objections to the proposal; and

VDOT approval of tonight's request

Mr. Yowell, Chair, advised that the workshop held on July 19, 2017, the Madison County Planning Commission discussed the possibility of notifying adjacent neighbors of applications effecting their property prior to the workshop sessions. Currently, neighbors are notified just prior to the joint meeting session. Discussions will also focus on attaining feedback on:

- ✓ Primitive campgrounds
- ✓ Proposed changes to M1 and M2 zones
- ✓ BOS request for overview of Ordinance pertaining to health department and VDOT approval(s)

In consideration of tonight's applicants, he urged that this meeting be suspended to allow the Madison County Board of Supervisors rule of the application. The Commission will reconvene to take the aforementioned process up for further discussion.

*\*After discussion, the Madison County Planning Commission voted to suspend its portion of tonight's meeting session\* (move to Board of Supervisors session)*

Mr. Yowell, Chair, reconvened the Madison County Planning Commission.

Mr. Yowell, Chair, called for further discussion on the procedural change to notify adjacent landowners prior to the Commissions workshop session as opposed to doing so prior to the joint meeting session.

The Zoning Administrator advised that letters could be sent out to adjacent property owners, but advised that there doesn't always be enough time to send out correspondence. In closing, she suggested that the Commission elect to send a letter out within 2-3 days to all adjacent property owners when an application is received, and include notice of the workshop session and the joint meeting as a public hearing session for public input. In closing, she provided highlights of the overall advertising process and newspaper deadlines for the meeting publication process for informational purposes.

The County Attorney noted that:

The process currently being utilized (by the County) goes beyond what the state law requires

Stressed the importance of providing full disclosure to adjoining landowners of all particulars

Explained current state law requirements (i.e. public notice must be published once a week for two weeks)

Written notice is required when a case involves a certain large scale rezoning request

Expressed concerns regarding consequences recently involving a case in Charlottesville

In closing, he expressed the desire not to see the County challenged by an applicant that may feel not enough information was submitted to adjoining landowners in a timelier manner, which could result in consequences for the County. Also, if there are ever concerns about the aforementioned notation, the County always has the option to table a particular request.

Comments from the Commission focused on:

The fact that public comment doesn't have to be allowed at the workshop session

The Commission is here to serve the citizens regardless of the meeting format

Early notice to adjoining landowners will be an advantage to all parties concerned

After discussion, the Madison County Planning Commission moved to provide a procedural change to the Madison County Board of Supervisors.

Mr. Yowell, Chair, advised that the agenda for the August workshop session will include:

- ✓ Review of the Comp Plan goals
- ✓ Review of Ordinance regarding health department and VDOT approvals

Comments from the Commission:

- ✓ Pete Elliott, Commission member, noted that no action was taken on the primitive campground item.

Mr. Yowell, Chair, advised that a poll was taken on the matter and submitted to the County Attorney and Madison County Board of Supervisors for review and presentation at a future public hearing format.

The County Attorney advised that he will discuss the above referenced item with the Madison County Board of Supervisors to establish a date for a future public hearing, along with other pending items of concern.

Mike Fisher, Commission member, advised that comments have been received; a draft will be published and presented later this week.

The County Attorney also advised that the zoning matters not be discussed during the upcoming public hearing scheduled for September 12th; this session will discuss:

The easement for the Blue Ridge Memorial (at Criglersville)

Lease for the Madison Historical Society (on a building at Criglersville)

Revocation of the Ordinance (#2010-1) pertaining to the Roadways in Malvern Subdivision

Supervisor Campbell: Commented on the retail sales at the Brightwood General Store

Phil Brockman, Commission member, advised that a rough draft will be provided from Patrick Mauney of PD9 for the September workshop session for discussion.

#### 4. Adjournment:

With no further action being required, Mr. Yowell, Chair, adjourned the Madison County Planning Commission's portion of tonight's session.

**After adjournment of the Madison County Planning Commission, the Madison County Board of Supervisors reconvened to act on the procedural change as recommended by the Madison County Planning Commission**

### **Board of Supervisors**

Call to Order

Chairman Jackson called the Madison County Board of Supervisors to order.

#### **1. Determine Presence of a Quorum**

Chairman Jackson advised that a quorum was present. Supervisor McGhee is absent from tonight's session.

#### **2. Adoption of Agenda**

Supervisor Hoffman moved that the Board adopt the Agenda as presented, seconded by Supervisor Campbell.

*Ayes: Jackson, Weakley, Campbell, Hoffman. Absent: McGhee. Nays: (0).*

#### **3. Action Items:**

48-50B

a. Case No. SP-08-17-14: Request by L S Industries, Inc.....

Chairman Jackson advised that it has been noted that the County will need to add input on the performance bond; this matter will be added to the August Regular Meeting #1 on Tuesday, August 8th for discussion/action.

The County Attorney clarified that the actual performance bond amount will need to be approved by the County and should be attained from the official(s) that establishes the bond amount.

- Supervisor Campbell: Verbalized concerns about conditions (VDH) and VDOT approval of tonight's request
- Supervisor Weakley: Noted that items of interest need to be discussed in order to attain a resolution and move the

*process forward*

Supervisor Weakley moved that the Board approve Case No SP-08-17-14 as recommended by the Madison County Planning Commission.

After discussion, Supervisor Weakley amended the prior motion to include that the Board will set the performance bond on Tuesday, August 8, 2017, seconded by Supervisor Hoffman.

Discussion:

- *Supervisor Campbell: Questioned whether VDOT approval should be required; referred to exceptional businesses in the County (i.e. winery, food processing, brewery, etc.)*
- *Supervisor Hoffman Noted that not much can be initiated unless the County imposes changes to the existing Ordinances*

*Ayes: Jackson, Weakley, Campbell, Hoffman. Absent: McGhee. Nays: (0).*

***With no further action being required by the Madison County Board of Supervisors, the meeting was returned to the Madison County Planning Commission.***

Chairman Jackson called the Madison County Board of Supervisors portion of tonight's meeting back to order.

Supervisor Campbell moved that the Board accept the procedural change as recommended by the Madison County Planning Commission, seconded by Supervisor Hoffman. *Ayes: Jackson, Weakley, Campbell, Hoffman. Absent: McGhee. Nays: (0).*

Additional comments from the Board focused on the:

- ✓ *Delay on the proposed business license*

**4. Information/Correspondence:** None.

**5. Closed Session (if necessary):** None.

**6. Adjournment**

With no further action being required, Chairman Jackson adjourned the meeting.

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R. Clay Jackson, Chairman  
Madison County Board of Supervisors

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Clark of the Board of the Madison County Board of Supervisors

Adopted on: August 22, 2017

Copies: Board of Supervisors, County Attorney & Constitutional Officers

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Planning Commission

Call to Order

***Pledge of Allegiance & Moment of Silence***

Determine Presence of a Quorum

Approval of Minutes

3. Action Items:

48-50B a. Case No. SP-08-17-14: Request by L S Industries, Inc. for a site plan for the construction of a welding shop. This property is located on Route 687 (140 Fairground Road) and contains 4.982 acres of land at Pratts, zoned Industrial, M-2.

4. Adjournment

Board of Supervisors

Call to Order

1. Determine Presence of a Quorum

2. Adoption of Agenda

3. Action Items:

48-50B a. Case No. SP-08-17-14: Request by L S Industries, Inc.....

4. Information/Correspondence (if any)

5. Closed Session (if necessary)

6. Adjournment